

MORE VETOES AT ALBANY.

IMPORTANT STATE BILLS DISAPPROVED.
SEVERAL BROOKLYN MEASURES AMONG THOSE NOT SANCTIONED—THE GOVERNOR'S REASONS FOR HIS ACTION.

FROM THE REGULAR CORRESPONDENT OF THE TRIBUNE.
Albany, May 11.—Apparently the people and property-owners of New-York will have to be on their guard perpetually against the Manhattan Elevated Railway Company. A bill introduced by Assemblyman Griffin, of Delaware County, has been discovered among those left in the Governor's hands, which seemingly would cut off the present right of the property-owners along the line of the elevated railway to sue that company for any damages that may have been incurred by them from the construction of the roads.

To-day this bill was vetoed by Governor Flower, who in his veto message given below clearly defines its character:

The second section of this bill, if it became a law, would reduce to two years the time within which an action may be commenced to recover for damages to property, or to prevent an injunction where the cause of action arises from damage to property, caused by the construction, maintenance and operation of a railway.

It is extremely doubtful whether counties included under the provisions of this proposed act have any equitable claim against the State. Any building or buildings which were erected prior to April 15, 1890, would be used solely as a county asylum for the insane, were constructed at the risk of the counties and in pursuance of licenses granted by the State Board of Charities, which were expressly revocable at pleasure in their terms. This bill, moreover, does not submit to the Board of Claims the question of whether liability exists on the part of the State, but assumes such a liability, and merely authorizes the Board of Claims to fix the amount of compensation to be paid.

Such a measure, however, should be submitted for legislative action or executive approval on its merits, and without the defects which render impossible the favorable consideration of this bill. After providing that the cause of action "is to be deemed to have accrued from the time of the actual commencement of the operation and the opening to the public for the purposes of transportation of the railway which is adjacent to the property for injury to which the action is brought," the bill goes on to say: "Except in cases in which a railway has been in operation for the passage of more than one year, the time of action is to be deemed to have accrued at the time of the passing of the act." These are not apt words with which it would be fair either to a private individual or a railway company to compel tedious litigation in the courts over language the consideration of which is so manifestly uncertain.

Again, the third section of the bill, with which the other must stand or fall, is especially objectionable. It allows a court in or to which an appeal is taken to supply defects in an attempted appeal, even an omission to or serve any notice of appeal whatever, if a case or exceptions are filed with the clerk or served on the adverse party. This gives the power to extend the time to appeal, would be a manifest innovation and is certainly contrary to the public interests, which require reasonable certainty in the time within which appeal can come from another to the same tribunal.

Governor Flower also vetoed a large number of other interesting measures, several of which were Brooklyn bills. In one of these vetoes he says:

This bill authorizes the appointment of a commission consisting of the Mayor, Controller and President of the Board of Aldermen to investigate the "wisdom, expediency and policy" of the acquisition of the entire water front of the city by purchase or condemnation. I am informed that the Mayor regards such a scheme of purchase impracticable and likely to involve the city in the expenditure of a great many millions of dollars. The appointment of a commission, therefore, and the expenditure of \$10,000, authorized for their expenses, is a doubtful use of public money.

The Governor also vetoed Assemblyman Cahill's bill increasing some salaries in the Fire Department of Brooklyn.

Assemblyman Cassin distinguished himself by passing a bill creating a State Board of Undertakers. Governor Flower vetoed this for the following reasons:

I am constrained to refuse my approval to this act. It is opposed by the State Board of Health, which fears that as at present drafted the measure would create conflict between that board and the State Examining Board of Undertakers, which it is proposed to establish. This objection would control my action on the bill regardless of any opinion which I might have as to the substantial merits of the measure.

Supt. Ferguson, the Democratic "Boss" of New-Utrecht, wished for permission to expend \$8,000 for local improvements in that town, which is already taxed beyond endurance to pay the bills of Ferguson's gas company. But the Governor vetoed the act, saying:

Although general in terms, this bill affects exclusively the city of New-Utrecht. It is intended to provide for a system of local improvements, and it authorizes no expenditure of not exceeding \$8,000 for these purposes. I have already approved a bill authorizing the expenditure of \$500,000 for purposes of local improvement in this town, and so great appears to be the local opposition to this additional measure that I am compelled to withhold it from my approval.

Nor could the Governor persuade himself to sign the bill of Assemblyman Hummel, in regard to purchases of property under false pretences. He says upon this bill:

As section 544 of the Penal Code now stands, a false pretence which relates to the purchaser's ability to pay is not criminal unless it is in writing and signed by the party to be charged. The reason for this restriction was, doubtless, the danger of holding a person criminally liable for merely casual conversation respecting his means, which might be easily misunderstood, or even by

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